

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**John Smith,**

Plaintiff,

v.

CIVIL ACTION

NO.: 4:XX-cv-XXXXX-DHH

**Jane Smith**

Defendants.

**SCHEDULING ORDER**

**HENNESSY, M.J.**

This Scheduling Order is intended to provide a reasonable timetable for discovery and motion practice in order to help ensure a fair and just resolution of this matter without undue expense or delay. See Fed. R. Civ. P. 1.

**Timetable for Discovery and Motion Practice**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(f), it is hereby ORDERED that:

1. **Initial Disclosures.** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by .
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after .
3. **Fact Discovery - Interim Deadlines.**
  - a. All requests for production of documents and interrogatories must be served by .
  - b. All requests for admission must be served by .
  - c. All depositions, other than expert depositions, must be completed by .
4. **Fact Discovery - Final Deadline.** All discovery, other than expert discovery, must be completed by .
5. **Case Management Conference.** A case management conference will be held on  at . At the conference, among other things, the court will address whether it is appropriate to schedule a separate settlement conference, pursuant to Local Rule

16.1(f)(7).

**6. Expert Discovery.**

- a. Plaintiff's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by ☐.
- b. Plaintiff's trial experts must be deposed by ☐.
- c. Defendant's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by ☐.
- d. Defendant's trial experts must be deposed by ☐.

**7. Settlement Proposals.**

- a. Plaintiff shall present a written settlement proposal to defendant by ☐.
- b. Defense counsel shall confer with his client and respond to the proposal by ☐.

**Procedural Provisions**

- 1. **Extension of Deadlines.** Pursuant to Local Rule 16.1(g), motions to extend or modify scheduling order deadlines will be granted only for good cause shown. All motions to extend shall contain a brief statement of the reasons for the request; a summary of the discovery, if any, that remains to be taken; and a specific date when the requesting party expects to complete the additional discovery, join other parties, amend the pleadings, or file a motion.
- 2. **Discovery Disputes.** In the court's experience, many discovery and case management disputes can be promptly resolved in a conference with the court and counsel. The court directs counsel to avail themselves of the following alternative to Local Rule 37.1 to resolve a discovery dispute: lead counsel should confer and agree on the scope and nature of the dispute. Counsel are then directed to (1) submit a joint memorandum, no longer than two pages in length, describing the nature and scope of the dispute, *i.e.*, the need for the discovery, the basis for the objection to producing discovery, and any recommended resolution; and, (2) contact the Deputy Clerk to request a telephone status conference. The court will set a conference to occur within 48 hours, and will endeavor to resolve the dispute during the conference. The court may, in situations involving more substantive matters, direct counsel to file the appropriate motion for relief. Notwithstanding same, and except for good cause shown, motions to compel discovery, motions for protective orders, motions to quash, motions to strike discovery responses, and similar motions must be filed no later than the close of fact discovery or the close of expert discovery, whichever deadline is relevant. If additional discovery is

compelled by the court after the relevant deadline has passed, the court may enter such additional orders relating to discovery as may be appropriate.

3. **Reply Memoranda.** Parties should refer to Local Rule 7.1(b)(3).
4. **Case Management Conferences.** The court has scheduled a case management conference after (or close to) the close of fact discovery for case management purposes. Any party who reasonably believes that a case management conference will assist in the management or resolution of the case may request one from the court upon reasonable notice to opposing counsel.
5. **Additional Conferences.** Upon request of counsel, or at the court's own initiative, additional case management conferences may be scheduled. Parties may request telephonic conferences where appropriate to avoid undue inconvenience or expense.
6. **Early Resolution of Issues.** The court recognizes that, in some cases, resolution of one or more preliminary issues may remove a significant impediment to settlement or otherwise expedite resolution of the case. Counsel are encouraged to identify any such issues and to make appropriate motions at an early stage in the litigation.
7. **Pretrial Conference.** Lead trial counsel must attend any pretrial conference.

By the Court,

Date: \_\_\_\_\_

/s/ \_\_\_\_\_  
[Deputy Clerk]